

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO: 2004-12099GAO

\_\_\_\_\_  
SHERWIN COOPERSTEIN, by )  
ALICE COOPERSTEIN POA, and )  
ALICE COOPERSTEIN, )  
Plaintiffs, )  
\_\_\_\_\_ )

vs. )  
\_\_\_\_\_ )

ROBERT DAVIS, M.D. and CAPE COD )  
HEALTHCARE, INC., )  
Defendants. )  
\_\_\_\_\_ )

**REVISED JOINT STATEMENT PURSUANT TO L.R. 16.1(D) AND**  
**CERTIFICATION PURSUANT TO L.R. 16.1(D)(3)**

Pursuant to the Court's Order at the Scheduling Conference held on February 9, 2006, counsel for the defendants, Robert Davis, M.D. and Cape Cod Healthcare, Inc. (collectively referred to herein as the "Defendants") have conferred with counsel for the plaintiff, Sherwin Cooperstein, by Alice Cooperstein POA, and Alice Cooperstein (referred to herein as the "Plaintiff"), and they have prepared the following Revised Joint Statement.

**1. Joint Discovery Plan and Motion Schedule**

The parties propose the following pre-trial schedule:

- (a) Automatic document disclosure to be completed by February 23, 2006;
- (b) Amendments and/or supplements to the pleadings may be filed by May 11, 2006;
- (c) Written discovery requests are to be filed by April 13, 2006 and answers/responses are to be filed by June 15, 2006;

- (d) All depositions are to be completed by September 14, 2006, except for depositions of expert witnesses as set forth in (e);
- (e) The Plaintiff's trial experts are to be designated by August 10, 2006, and the Defendants' expert witnesses are to be designated by September 14, 2006, as contemplated by Fed. R. Civ. P. 26(b)(4)(A)(i); expert depositions are to be completed by November 30, 2006, following the close of fact written and deposition discovery;
- (f) A Status Conference will be held on September 7, 2006; and
- (g) A final pre-trial conference will be held on or about February 8, 2007.

**2. Parties' Certification Pursuant to L.R. 16.1(D)(3)**

Pursuant to the Rule 16.1(D)(3) of the Local Rules of the United States District Court for the District of Massachusetts, counsel for the above named Robert Davis, M.D. and Cape Cod Healthcare, Inc. and counsel for the plaintiff, Sherwin Cooperstein, by Alice Cooperstein POA, and Alice Cooperstein, certify as follows:

- (a) Parties have conferred with a view towards establishing a budget for the cost of conducting the full course of the litigation as well as any alternative courses; and
- (b) Parties have conferred to consider the resolution of the litigation through the use of alternative dispute resolution programs, and are amenable to such alternative dispute resolution at the appropriate juncture of this litigation.

Respectfully submitted,

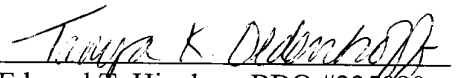
For the Plaintiff,  
SHERWIN COOPERSTEIN, by  
ALICE COOPERSTEIN POA, and  
ALICE COOPERSTEIN,

  
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Dated: February 15, 2006

Respectfully submitted,

For the Defendants,  
ROBERT DAVIS, M.D. and  
CAPE COD HEALTHCARE, INC.,

  
Edward T. Hinchey, BBO #235090  
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Dated: February 15, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the EFC system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 15, 2006.

/s/ Tayna K. Oldenhoff  
Tanya K. Oldenhoff